

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
August 22, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., August 22, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Vice Chairman, District 3, Acting Chairman for this meeting; Don Stapley, District 2 and Max W. Wilson, District 4 and Fulton Brock, Chairman, District 1, was present for one item only, as noted below. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

**INVOCATION**

R. J. Cardin, Parks and Recreation, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Martin Camacho, County Manager's Office, led the assemblage in the Pledge of Allegiance.

**Chairman Brock was present telephonically for the following item only.**

**IGA WITH CITY OF CHANDLER FOR EMERGENCY & FIRE SERVICES TO COUNTY ISLAND RESIDENTS**

Item: Approve an Intergovernmental Agreement (IGA) between Maricopa County and the City of Chandler for the provision of emergency and fire services to county island residents living in property located within the Chandler planning area. Currently, these county island residents do not have access to emergency and fire services due to the discontinuation of services by Rural Metro. (C2008023200) (S-1)

Supervisor Stapley explained that this IGA is in response to legislation approved during the last legislative session and signed by Governor Napolitano. This bill allows unincorporated County Islands to petition to form a fire district. There is a delay between the time the private service, formerly provided by Rural Metro, left these areas and when the legislation is scheduled to go into effect. This IGA will provide for emergency services to those families during that time interval. The County will act as a "safety-net" during that period through IGA's with nearby municipalities and their local fire departments. Supervisor Stapley said there are dozens of these islands within the City of Chandler's Planning Area that gain protection provided in this IGA. He gave this as an example of local government collaboration in partnering to provide important public safety needs.

Chairman Brock thanked his fellow Board Members, members of the legislature and the Chandler city government for the dedicated work expended by all to effect this first IGA. Every Board Member expressed the hope that this would serve as a prototype to provide impetus for other municipalities to follow suit in executing similar agreements to protect those living in close proximity to their planning areas.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the City of Chandler for the provision of emergency and fire services to County island residents living near their jurisdictions.

**Chairman Brock's telephonic connection to the meeting terminated at 9:18 a.m. All other members, as given above, remained in session.**

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**APPLY AND ACCEPT FUNDING FROM ADOT SAFE ROUTES TO SCHOOL PROGRAM – ROUND ONE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the Transportation Department to apply for \$37,777 in reimbursement grant funding from the ADOT Safe Routes to School Program – Round One. If the grant award is made, authorize to accept the funds and approve the revenue and expenditure appropriation increase in the amount of \$37,777 in FY 2008 to the MCDOT Grant fund (223).

Grant Revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget containing the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C6408017300) (S-2)

**RESOLUTION TO APPLY FOR REIMBURSEMENT GRANT FUNDING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a resolution to authorize the Transportation Department to apply for \$399,777 in reimbursement grant funding from the ADOT Transportation Enhancement grant funding – Round Fifteen (15) in partnership with Valley Metro – Regional Public Transportation Authority (RPTA). Due to HURF funding limitations, if the grant award is made, Valley Metro-RPTA will act as the fiscal agent and grant administrator. (C6408034000) (ADM2000) (S-3)

**RESOLUTION**

**PERTAINING TO THE SUBMISSION OF PROJECTS FOR CONSIDERATION  
IN THE ARIZONA DEPARTMENT OF TRANSPORTATION  
SAFETEA-LU ENHANCEMENT PROGRAM, ROUND XV**

**WHEREAS**, the Arizona Department of Transportation is seeking proposals from state and local agencies for projects related to all aspects of transportation enhancements; and

**WHEREAS**, Maricopa County through the County Department of Transportation, in partnership with Valley Metro/Regional Public Transportation Authority (RPTA), is interested in submitting projects to be considered for funding from the Arizona Department of Transportation SAFETEA-LU Enhancement Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows:

1. THAT approval of the submission of the Regional Safe Routes to School Support Center Project grant application in the amount of \$428,277 (\$399,777- federal share) for consideration in Round XV of the Arizona Department of Transportation SAFETEA-LU Enhancement Program is granted.
2. THAT there is a commitment to: provide a 5.7% (\$24,412) match and a 1.0% (\$4,088) overmatch by the local jurisdictions and community partners participating in the pilot project; be ready to advertise the project within three years; pay for all cost overruns; and reimburse ADOT for all federal funds used, if the project is cancelled by Maricopa County/Valley Metro/RPTA.

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3. THAT David A. Boggs, Executive Director, Valley Metro/RPTA, is appointed agent for Maricopa County, to conduct all negotiations and to execute and submit all documents and any other necessary or desirable instruments in connection with such funding and grant administration.

**DATED** this 22nd day of August 2007.

/s/ Fulton Brock, Chairman of the Board

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

**PLANNING AND DEVELOPMENT PUBLIC HEARING CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to Schedule Planning and Development public hearings on zoning cases and other matters for the September 5, 2007 meeting. (F23243) (Item S-4)

Lindsay Mini Storage, Special Use - Z2005-119  
The Wall Company Construction Yard, Special Use - Z2006-019  
PIR Michelena, Special Use - Z2006-092  
Tierra de Sueno, Special Use - Z2007-024  
Local Additions & Addenda, Text Amendment (adopt new building codes) - TA2005-015

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Kunasek called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications "c" and "d" and to continue application "b" to the September 5, 2007, meeting at the request of the applicant.

- c. Application filed by Carl A. Bradshaw for a Special Event Liquor License: (SELL791) (F23221)

Business Name: Our Lady of Lourdes Parish Men's Club  
Location: 14818 W. Deer Valley Drive, Sun City West 85375  
Date/Time: Sept 4, Oct 2, Nov 6, Dec 4, 2007, 4:30 p.m. – 7:30 p.m.

- d. Application filed by Donald A. Rogers for a Special Event Liquor License: (SELL795) (F23221)

Business Name: Knights of Columbus Council 11809  
Location: 14818 W. Deer Valley Drive, Sun City West 85375  
Date/Time: September 25, 2007, 5:00 p.m. – 9:00 p.m.

- b. Application filed by Alan John Bakas for a Special Event Liquor License: (SELL790) (F23221)

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Business Name: VFW Post #12031 **CONTINUED**  
Location: 41703 Gavilan Peak Parkway, Anthem 85086  
Date/Time: November 10, 2007, 10:00 a.m. – 6:00 p.m.  
**(Continued to the September 5, 2007 meeting)**

**PUBLIC HEARING – LIQUOR LICENSE APPLICATION**

Pursuant to A.R.S. §4-201, Chairman Kunasek called for a public hearing on the following liquor license application. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

- a. Application filed by Norman Andrus for a Person-to-Person Transfer and a Transfer-of-Location of a Series 7 Liquor License from Anthony Brett Gambino: (LL6230)

Business Name: Card Room 101  
Location: 10908 E. Apache Trail, Apache Junction 85220  
Former Location: Tiffant's Café, 1520 W. Bell Road, Phoenix 85023  
**(Continued from the June 20, 2007 and July 25, 2007 meetings)**

Clerk of the Board Fran McCarroll reported that the Sheriff's Office has registered an objection to approving this application. She added that the Planning and Development Department has not received necessary building plans that must be reviewed before issuing a Certificate of Occupancy, which is required before an establishment can open to the public. The Environmental Health Department was unable to act on this application because necessary site plans had not been submitted to them for review. She said that time extensions from the Arizona Department of Liquor to give the applicant time to complete the application process have been exhausted and this application cannot be continued again. She advised the Board that a vote could be taken to approve, deny, or to send the application forward to the State with no recommendation.

Mr. Andrus said the Environmental Services Department had questions about the kitchen improvements, and that specific kitchen items have not been purchased pending action by the Board. He added his understanding that there would be a liquor board final analysis to go to.

No member of the Sheriff's Office appeared to testify regarding their recommendation to deny this application, however, their report is part of the enclosed back-up for this item.

Chairman Kunasek said that the Board of Supervisors is a recommending body for the State Liquor Department. He advised Mr. Andrus that with the limited or incomplete information in hand a vote, if taken today, could be to recommend denial of the application. He suggested forwarding the application without a recommendation, which would trigger an automatic hearing before the State Liquor Board.

Protests having been received and one speaker coming forth at the Chairman's call, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, to send 'no recommendation' for approval or denial to the State Liquor Board for Card Room 101. He said this seemed to be the best position to take because the information received to date is not complete, and the sheriff and other departments have not recommended approval. Motion carried unanimously (3-0-2). A copy of information received from the Sheriff's Office on this case will be sent to the State with the Board's action, as taken.

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**PUBLIC HEARING – ANNEXATIONS/DEANNEXATIONS – TOLLESON TO PHOENIX**

Pursuant to A.R.S. §9-471.02, Chairman Kunasek called for a public hearing on the following annexation/deannexation resolution. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2), to approve this annexation/deannexation resolution, as follows: (ADM4217-001) (ADM4213-001)

**RESOLUTION**

**WHEREAS**, the City Council of the City of Tolleson, Arizona, has, pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by Ordinance No. 456 on the 26<sup>th</sup> day of June 2007, deannexing from the City of Tolleson, the territory described as follows:

Part No. 1:

That part of the East half of the North half of Section 11, Township 1 North, Range 1 East, G&SRB&M, described as follows:

COMMENCING at the intersection of the South line of the North 33 feet of Section 12, Township 1 North, Range 1 East, G&SRB&M, and the East line of the West 55 feet thereof;

thence Westerly along said South line to the West line of said Section 12, being also the East line of said Section 11;

thence continuing Westerly along the South line of the North 33 feet of said Section 11 to the West line of the East 33 feet of said Section, being also a point in the City Limit line of the City of Phoenix, Arizona, as established by City of Phoenix Ordinance No. G-4657, recorded in Document No. 2004-1449286, records of Maricopa County, Arizona, with said point also being the POINT OF BEGINNING;

thence continuing Westerly along last said South line to the West line of the East 400 feet of said Section 11;

thence Southerly along last said West line to the South line of the North 50 feet of said Section 11

thence Easterly along last said South line to the West line of the East 210 feet of said Section 11;

thence Southeasterly to the intersection of the South line of the North 102 feet of said Section 11 and the West line of the East 90 feet of said Section 11;

thence Easterly along last said South line to the West line of the East 70 feet of said Section 11;

thence South along last said West line to the South line of the North 816.31 feet of said Section 11;

thence Easterly along last said South line to the West line of the East 60 feet of said Section 11;

thence South along last said West line to the South line of the North 1276.10 feet of said Section 11;

thence Southwesterly to the intersection of the West line of the East 86 feet of said Section 11 and the South line of the North 1298.10 feet of said Section 11;

thence South along last said West line to the South line of the North 1358.10 feet of said Section II;

thence Easterly along last said South line to the West line of the East 80 feet of said Section 11, being also the point of curvature of a circular curve concave Southwesterly, and having a radius of 25 feet;

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thence Southeasterly along the arc of said curve to its intersection with the West line of the East 60 feet of said Section 11;  
thence South along last said West line to the South line of the North 1790.80 feet of said Section 11, being also a point in a non-tangent circular curve concave Northwesterly, and having a radius of 25 feet;  
thence Southwesterly along the arc of last said curve to a point of tangency at the intersection of the South line of the North 1801.10 feet of said Section 11 and the West line of the East 80 feet of said Section 11;  
thence South along last said West line to the South line of the North 1861.10 feet of said Section 11, being also the point of curvature in a non-tangent circular curve concave Southwesterly, and having a radius of 25 feet;  
thence Southeasterly along the arc of last said curve to the point of intersection of the West line of the East 60 feet of said Section 11;  
thence South along last said West line a distance of 376.70 feet to the South line of the Roosevelt Irrigation District Canal;  
thence Easterly along last said South line to the West line of the East 33 feet of said Section 11;  
thence North along last said West line to the POINT OF BEGINNING.

Part No. 2.

That part of the East half of the South half of Section 11, Township 1 North, Range 1 East, G&SRB&M, described as follows:

BEGINNING at the intersection of the North line of the South 55 feet of said Section 11 and the West line of the East 33 feet of said Section 11,  
being also a point in the City Limit line of the City of Phoenix, Arizona, as established by City of Phoenix Ordinance No. G-4657, recorded in Document No. 2004-1449286, records of Maricopa County, Arizona;  
thence North along said West line to the East-West midsection line of said Section 11;  
thence West along said East-West midsection line to the West line of the East 60 feet of said South half of Section 11;  
thence South along last said West line to the South line of the North 67.9 feet of said South half;  
thence West along last said South line to the West line of the East 66 feet;  
thence South along last said West line to the South line of the North 107.9 feet;  
thence East along last said South line to the West line of the East 60 feet of said South half;  
thence South along last said West line to the South line of the North 1330.9 feet of said South half;  
thence West along last said South line to the West line of the East 66 feet of said South half;  
thence South along last said West line to the South line of the North 1370.9 feet of said South half;  
thence East along last said South line to the West line of the East 60 feet of said South half;  
thence South along last said West line to the South line of the North 2580.9 feet of said South half;  
thence Southwest to the intersection of the South line of the North 2600.9 feet of said South half (being also the North line of the South 55 feet of said South half) and the West line of the East 80 feet of said South half;  
thence South 89° 25' 13" West along last said South line (and last said North line) and parallel with the South line of said Section 11 (basis of bearing) to the West line of the

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East 142 feet;  
thence North 68° 46' 39" West a distance of 26.93 feet to a point in the North line of the South 65 feet of said South half;  
thence South 89° 25' 13" West along last said North line a distance of 35.00 feet;  
thence South 67° 37' 08" West a distance of 26.93 to a point in the North line of the South 55 feet of said South half;  
thence South 89° 25' 13" West along last said North line a distance of 90.00 feet;  
thence South 87° 44' 08" West a distance of 170.00 feet to a point in the North line of the South 50 feet of said South half;  
thence South 89° 25' 13" West a distance of 92.76 feet (+ or -);  
thence South 00° 34' 47" East to the North line of the South 40 feet of said South half;  
thence North 89° 25' 13" East, parallel with the South line of said Section 11, along last said North line a distance of 547 feet to the West line of the East 33 feet of said Section 11;  
thence North along last said West line to the POINT OF BEGINNING.

**WHEREAS**, the City Council of the City of Phoenix, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by Ordinance No. G 4934 on the 2<sup>nd</sup> day of July, 2007, annexing to the City of Phoenix, the territory described above; and

**WHEREAS**, the aforesaid Ordinances were filed with the Maricopa County Board of Supervisors; and

**WHEREAS**, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., August 22<sup>nd</sup>, 2007; and

**WHEREAS**, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, have been satisfied; and

**WHEREAS**, no protests were filed,

**NOW, THEREFORE, BE IT RESOLVED** that the deannexation of that territory described above in the City of Tolleson and annexing said territory to the City of Phoenix is hereby ordered; and

**BE IT FURTHER RESOLVED** that a copy of this order be filed with the Recorder's Office of Maricopa County.

**DATED** this 22<sup>nd</sup> day of August 2007.

/s/ Andrew Kunasek, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING – ANNEXATIONS/DEANNEXATIONS – PHOENIX TO PARADISE VALLEY**

Pursuant to A.R.S. §9-471.02, Chairman Kunasek called for a public hearing on the following annexation/deannexation resolution.

Andrew Miller registered to speak for the Town of Paradise Valley and explained they had originally approached the County regarding annexation of this parcel, which is to be used for training purposes by a fire station. He thanked the Board and expressed appreciation for the extra help Tom Manos gave them.

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Mr. Miller then referenced the earlier supplemental agenda item, approving an IGA with Chandler for fire coverage and emergency services on County islands in that area. He explained that when Rural Metro pulled out of coverage on County Islands and prior to any legislation being adopted, Paradise Valley had been happy to voluntarily enter into agreements to extend the town's services to cover emergencies on nearby unincorporated County lands and it has worked very satisfactorily for all.

Supervisor Stapley said he was glad to see the land transfer coming to fruition for the fire station. Secondly, he commented on volunteering the town's emergency services, saying that he wished Mr. Miller would "start a school for several other towns to attend to learn how to cooperate."

No protests having been received and one speaker coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2), to approve this annexation/deannexation resolution, as follows: (ADM4213) (ADM4211)

**RESOLUTION**

**WHEREAS**, the City Council of the City of Phoenix, Arizona, has, pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by Ordinance No. G-4941 on the 2<sup>nd</sup> day of July, 2007, deannexing from the City of Phoenix, the territory described as follows:

That part of the East half of Section 31 and the West half of Section 32, both in Township 3 North, Range 4 East, G&SRB&M, described as follows:

BEGINNING at the intersection of a line which is parallel with and 30.00 feet Southerly of the East-West mid-section line of said Section 31 with a line which is parallel with and 65.00 feet West of the East line of the Southeast quarter of said Section 31, also being a corner of the area annexed to the City of Phoenix by its Ordinance No. 448, recorded in Docket 4031, pages 446-448, records of Maricopa County, Arizona, and by its Ordinance No. 1212, recorded in Docket 9621, pages 50-53, records of said county;

thence Easterly, parallel with and 30.00 feet Southerly of said mid-section line and the Easterly prolongation thereof, to the Easterly right of way line of Tatum Boulevard as it is shown on GEORGE PORTNOFF ESTATES, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 82 of Maps at page 40;

thence Northwesterly, along said Easterly right of way line of Tatum Boulevard, which is identical with the Westerly line of Lot 12 in said GEORGE PORTNOFF ESTATES, and is concentric with and 40.00 feet Northeasterly of the monument line of said Tatum Boulevard as shown on said plat, to the Northwest corner of said Lot 12;

thence Easterly, along the line which is common to said Lot 12 and to Lot 34, VISTA LINDA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 98 of Maps at page 29, to the Easterly line of the easement for public roadway as shown on and dedicated by said VISTA LINDA, the said Easterly line of the easement being concentric with and 55.00 feet Northeasterly of said monument line of Tatum Boulevard as shown on said VISTA LINDA;

thence Northwesterly and Northerly, along said Easterly line of the easement for roadway, across Lot 34 and a portion of Lot 33 of said VISTA LINDA to its intersection with the North line of the South 371.27 feet of the Northwest quarter of said Section 32;

thence Westerly along said North line of the South 371.27 feet to the West line of said Northwest quarter of Section 32;

thence Southerly along said West line of the Northwest quarter of Section 32 a distance of 341.27 feet to the North line of the South 30.00 feet of the Northwest quarter of said Section 32;



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thence Westerly along last said North line to the West line of the East 65.00 feet of the Northeast quarter of said Section 31;  
thence Southerly along last said West line to the South line of the Northeast quarter of said Section 31;  
thence continuing Southerly, along the West line of the East 65.00 feet of the Southeast quarter of said Section 31, a distance of 30.00 feet to the POINT OF BEGINNING.

**WHEREAS**, the Town Council of the Town of Paradise Valley, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by Ordinance No. 591 on the 14<sup>th</sup> day of June, 2007, annexing to the Town of Paradise Valley, the territory described above; and

**WHEREAS**, the aforesaid Ordinances were filed with the Maricopa County Board of Supervisors; and

**WHEREAS**, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., August 22<sup>nd</sup>, 2007; and

**WHEREAS**, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, have been satisfied; and

**WHEREAS**, no protests were filed,

**NOW, THEREFORE, BE IT RESOLVED** that the deannexation of that territory described above in the City of Phoenix and annexing said territory to the Town of Paradise Valley is hereby ordered; and

**BE IT FURTHER RESOLVED** that a copy of this order be filed with the Recorder's Office of Maricopa County.

**DATED** this 22<sup>nd</sup> day of August 2007.

/s/ Andrew Kunasek, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING – SUMMER MESA IRRIGATION WATER DELIVERY DISTRICT**

Item: Pursuant to A.R.S. §48-261 and §48-263, Chairman Kunasek convened the scheduled public hearing regarding the impact statement of the proposed Summer Mesa Irrigation Water Delivery District, located in the Summer Mesa Subdivision Community in Supervisorial District 2. This hearing was continued from the August 8, 2007 meeting.

The Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district impact statement and authorize the persons proposing the district to circulate petitions. The impact statement is on file in the office of the Clerk of the Board.

Those registering to speak in favor of the District included Jim Fidler, Dan Maley, Scott Grainger, Lawrence Velacco, those registering in opposition included Janie Thom and Rich LaMoure.

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Chairman Kunasek noted that testimony from some of those registered had been heard at the previous Board meeting on August 8<sup>th</sup> and asked that today's testimony be limited to new information and that remarks be kept within the three-minute time allowed.

Janie Thom spoke in opposition and expressed concerns about the power and control a three-person, water district board of directors would be given. She reflected on past handling of HOA matters, citing a lack of concern in getting widespread neighborhood notification, input or approval. She fears giving the same people carte blanche in running a water district would move the neighborhood in an adverse direction.

Rich LaMoure added to his previous testimony in opposing the district by asserting that the 91% of homeowners who voluntarily contribute to an irrigation fund are satisfied with the current supply of water and the way service is maintained and repairs made. He added that some are displeased that not all homeowners are contributing their share. He said if the Board approves this item he felt it would be important to make sure the community is fully informed on all issues, pro and con. He felt a paper listing opposing and favorable views should be distributed to the community two weeks in advance of the petition. This list should also be available when residents sign the petition to make certain that everyone understands the magnitude of what they are about to sign.

Scott Grainger said the "pro" coalition made their presentation at the last Board hearing and have since mailed Board Members a written answer to statements made by the opposition. He felt they were "ready to go with the petition" at this time.

Chairman Kunasek asked Mr. Grainger about the point made on full disclosure of the opposing viewpoint to all residents. Supervisor Stapley said the petition is requesting the formation of a district and he felt that information on the pros and cons of the question could be distributed throughout the neighborhood by both proponents and opponents of the question. He agreed that everyone should know that the formation of such a district carries with it certain responsibilities as well as the authority to tax. Mr. Stapley offered to write a letter to all 73 homeowners to explain today's action, if authorization is given to move forward with the initial petition process to obtain a majority of homeowner signatures expressing in favor of a district. He added that there has been a long term problem in this area and he felt a district would be a good way to solve it.

Jim Fildler came forward to address the charge made that the HOA was "building structures in people's back yards without their approval" that had been mentioned by Janie Thom at the August 8th hearing. He explained that seven homes border Southern Avenue and the pipe coming from the canal to those homes contained a 45 degree angle making it impossible for a root cutter to move around that sharp corner to clear roots. He said that only one back yard had been entered, with the approval of the owner, Mr. Ralph Burris, and a different joint was installed to the pipe that serviced those seven houses, which included Ms. Thom's home. He reported that the cost was approximately \$1,200.

After hearing the comments of speakers as noted above, and pursuant to A.R.S. §48-261(C), motion was made by Supervisor Stapley to approve the District Impact Statement and authorize the persons proposing the district to circulate petitions. Supervisor Stapley pledged to contact every property owner by mail to explain the process and ask each one to become completely aware of the ramifications of supporting or denying the formation of a water district.

Motion was seconded by Supervisor Wilson, and unanimously carried (3-0-2). This action also approves a bond in the amount of \$500 to be filed with the Board by the persons proposing the district to cover costs incurred by the County if the district is not finally organized. (C0607112700) (ADM4385)

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**PUBLIC HEARING – ROAD DECLARED – ROAD FILE NO. A384**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**RESOLUTION**

**WHEREAS**, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All of that portion of the Southeast quarter of Section 22, Township Seven (7) North, Range Two (2) East, G&SRB&M, Maricopa County, Arizona, found to lie within a strip of land 40 feet in width, lying 20 feet (as measured at right angles and radially) on each side of the following described centerline and Easterly of the East right-of-way line of State Route 69, according to the Arizona Highway Department Project No. S-39, Phoenix-Rock Springs Highway:

COMMENCING at the Southeast corner of said Section 22; said corner bearing South 00°03'36" East and a distance of 2,644.65 feet from the East Quarter Corner of said Section 22; thence North 89°49'41" West along the South line of said Section 22 a distance of 1,773.14 feet to a point of curvature of a non-tangent curve whose 358.10 foot radius bears South 83°37'33" East and is concave Southeasterly; thence Northeasterly along said curve, through a central angle of 11°36'22"; a distance of 72.54 feet; thence North 17°58'49" East a distance of 284.48 feet to a point of curvature of a tangent curve to the left with a 2,864.79 foot radius that is concave to the West; thence Northeasterly along said tangent curve, through a central angle of 04°35'16", a distance of 229.39 feet; thence North 13°23'33" East a distance of 399.35 feet to a point of curvature of a tangent curve to the left with a 1,432.39 foot radius that is concave to the West; thence Northeasterly along said tangent curve, through a central angle of 06°20'05", a distance of 158.37 feet; thence North 07°03'28" East a distance of 238.87 feet to a point of curvature of a tangent curve to the right with a radius with a 238.73 foot radius that is concave to the Southeast; thence Northeasterly along said tangent curve, through a central angle of 36°10'25", a distance of 150.72 feet; thence North 43°13'53" East a distance of 72.28 feet to a point on the East Right of Way line of State Route 69 as recorded in Arizona Highway Department Project Number S- 39, Phoenix-Rock Springs Highway, Dated 7-10-46, said point also being the POINT OF BEGINNING of said centerline; thence continuing North 43°13'53" East a distance of 76.94 feet to a point of curvature of a tangent curve to the left with a 286.48 foot radius that is concave to the West; thence Northeasterly along said tangent curve, through a central angle of 32°38'21", a distance of 163.20 feet; thence North 10°35'32" East a distance of 727.01 feet to a point of curvature of a tangent curve to the right with a 358.10 foot radius that is concave to the East; thence Northeasterly along said tangent curve, through a central

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angle of 36°41'01", a distance of 229.27 feet to a point on the East-West midline of said Section 22 and the terminus of said 40 foot wide strip of land and from which point the East one-quarter corner of said Section 22 bears South 89°51'15" East a distance of 974.59 feet.

(Said alignment is also known as Old Stagecoach Road from South Line of the Southeast quarter of said Section 22 to a point on the Mid Sec Line of said Section 22 in Supervisor District No. 3)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 22<sup>nd</sup> day of August 2007. (C6407276000)

/s/ Andrew Kunasek, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**AMENDMENT TO LEASE WITH EJM KYRENE, LLC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 1 to the Limited Service Lease No. L7315 with EJM Kyrene, LLC. This amendment changes article 1.03 regarding Lessee Notice information. This lease is for the County Assessor's Tempe Office as the new tenant at 8240 S. Kyrene, Suite 113, Tempe, AZ. Lease No. L7315 was first approved under agenda number C2402004400 on January 3, 2002, as office and court space for the West Tempe Justice Court. On October 18, 2006, the Board approved the early termination of this

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lease under C24020044YY. However, this action was subsequently rescinded by Board action on April 18, 2007, under C2407003400 to approve the continued use of this leased space.

Upon the relocation of the West Tempe Justice Court to the new Regional Court facility and in an effort to escape lease termination fees, the Tempe County Assessor's office relocated into this facility. The tenant improvements to the facility, as required by the new tenant, Tempe County Assessor's office, was authorized under C1807035100 on May 2, 2007. The lease contains an early termination clause effective after the fifth year lease anniversary with 360-day notice to Lessor. All other terms and conditions of this lease remain in full force and effect. The official file for Lease L7315 is now C1208001400. (C1208001400)

**GRANT FUNDS FOR DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve receipt of grant funds from the Arizona Criminal Justice Commission (ACJC) for the FY 2007-08 Drug Control and System Improvement Program in the amount of \$1,615,000; comprised of \$546,098 in Federal Funds and \$750,553 in State Funds. The Maricopa County Attorney's Office recognizes the hard cash requirement and has the ability to provide the match of \$318,349 included in the adopted FY 2007-08 General Fund (100) expenditure budget. These funds are to enhance efforts to prosecute drug, gang, and violent crime offenders. This grant agreement, ACJC number PC-08-020, will commence on July 1, 2007, and will terminate on June 30, 2008. The grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The non-recoverable indirect cost of administering this grant is \$222,870.

Also approve an FY 2007-08 revenue and expenditure appropriation increase of \$80,000 to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1908004300)

**GRANT FUNDS/AGREEMENT FROM THE DPS VICTIM ASSISTANCE GRANT PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve receipt of grant funds from the Arizona Department of Public Safety Victim Assistance Grant Program in the amount of \$58,055. The Maricopa County Attorney's Office recognizes that this grant requires a match of \$14,514 and has the resources to provide this match. This agreement, DPS Contract No. 2006-404, shall commence on July 1, 2007, and terminate on June 30, 2008. The grant funds may not be expended for any indirect costs, which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The non-recoverable indirect cost of administering this grant is \$8,011.59.

Also approve revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant in an amount of \$13,510 for FY 2007-08. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not

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alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1908005300)

**GRANT AGREEMENT/FUNDS FOR HIGH INTENSITY DRUG TRAFFICKING AREA PROSECUTION PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve grant agreement and receipt of grant funds from the Arizona Criminal Justice Commission in the amount of \$83,519 for a High Intensity Drug Trafficking Area (HIDTA) Prosecution Program. The date the grant commenced was October 1, 2006, and will terminate September 30, 2008. Expenditure of the funds will occur between July 1, 2007 and June 30, 2008. Acceptance of this agreement will allow the Maricopa County Attorney's Office to use the funds specifically to support and enhance activities intended to deter, investigate and/or prosecute drug offenders. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The non-recoverable indirect cost of administering this grant is \$11,525.62. By approving this agenda item, the Board of Supervisors will be authorizing the acceptance of grant funding that is budgeted and no budget amendment is necessary. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. (C1908015300)

**ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an administrative correction to action taken regarding C2107012800 approved by the Board on July 25, 2007. This administrative correction specifies that the executed document is a "Trade for Service Agreement" with Complete Print Shop, Inc. to provide for the trade of a printmail wide array printer for \$10,000 in printing services. All other terms and conditions of this agreement shall remain unchanged. (C2107012801)

**ACCEPT INCREASE IN FUNDS FOR METHAMPHETAMINE TASK FORCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve acceptance of a \$93,402 increase in grant funds from the Arizona Criminal Justice Commission (ACJC), comprised of \$77,280 for the Maricopa County Methamphetamine Task Force (HIDTA Initiative XVII) and \$16,122 for the Arizona Drug Intelligence Task Force (ADITF XVII). This increase will bring the total awards from \$364,437 to \$457,839, respectively. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$10,928. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. The term of the agreement is from October 1, 2006, and terminates on September 30, 2008. The agreement expires at the end of the award period unless prior written approval for an extension has been obtained from the ACJC. (C5007546301)

**ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an administrative correction to action taken regarding C5008004200, Intergovernmental Agreement for Law Enforcement Services to the Town of Fountain Hills, approved by the Board on July 25, 2007. This administrative correction changes the cost of the first year of the agreement from

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\$2,704,827 to \$2,704,872. All other terms and conditions of this agreement shall remain unchanged. (C5008004201)

**ONE-TIME ADDITION OF RICO-FUNDED VEHICLE AND EXEMPTION FROM MARKINGS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a one-time addition to fleet of one RICO-funded black 2007 Chrysler 300 vehicle that is valued at \$35,836 for use by Sheriff's Operations Command. The annual estimated operating cost is \$3,500, which will be supported with RICO funds. This is a temporary addition to fleet and should not be added to the county vehicle replacement plan. This vehicle will automatically be removed from MCSO fleet at the end of its useful life and any proceeds recovered at the time of liquidation will be returned to the RICO fund.

Also approve the issuance of an undercover registration and non-governmental license plate, including exemptions from markings pursuant to A.R.S. §38-538.03 and A.R.S. §28-2511. The vehicle will be used to conduct undercover law enforcement investigations. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. A confidential list of this vehicle will be kept on file in the Clerk of the Board's Office. (C5008012M00) (ADM3101V)

**AGREEMENT AND FUNDS FOR CONSTRUCTION OF SHOOT HOUSE AT BUCKEYE HILLS SHOOTING RANGE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the agreement and acceptance of \$377,990 in grant funds from the Arizona Peace Officers Standards and Training Board (AZ Post). This funding is for the construction of a shoot house at the Buckeye Hills Shooting Range. The Sheriff's Office FY 2007-08 indirect costs rate is 11.7%. There are no indirect costs associated with this capital project grant.

Also approve, pursuant to A.R.S. §42-17106, an appropriation increase in revenue and expenditure to the Sheriff's Office FY 2007-08 Grant Fund (251) in the amount of \$377,990. This appropriation adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5008519300)

**SALT RIVER PIMA MARICOPA INDIAN COMMUNITY TRIBAL GAMING FUNDS**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to authorize Maricopa County to apply for Salt River Pima Maricopa Indian Community 12% Gaming Funds (Proposition 202, 2002) in the amount not to exceed \$5,000 and approve the acceptance of grant funds. If funds are awarded, pursuant to A.R.S. §42-17105, also approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249), Pass-Through Grants (4712), increasing the FY 2007-08 revenue and expenditure budgets not to exceed \$5,000. Maricopa County will put this grant funding toward the Wilcox Late Night Basketball Program. Indirect cost is not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2008021300)

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**RENEWAL OF DATA LINK AGREEMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve renewal of the Data Link Agreement between the Arizona Department of Health Services, Division of Behavioral Health Services (ADHS), Maricopa County acting through Correctional Health Services of Maricopa County, and the Maricopa County Sheriff's Office (MCSO) from date of County Board approval until the date on which ADHS completes the transfer of responsibility from Value Options to Magellan Health Services of Arizona, Inc. The purpose of this Agreement is to govern the operation and parties' participation in the Jail Data Link Program (Data Link). Data Link uses software known as "Gateway" to enable the transfer of information between the MCSO and ADHS' or the Regional Behavioral Health Authority's (RBHA) data processing systems. RBHA is under contract with ADHS to coordinate the delivery of behavioral health services in Maricopa County, currently Value Options, Inc. Approval of this agreement will enable ADHS and the RBHA to expedite identification of seriously mentally ill clients incarcerated in the Maricopa County Jail and coordinate care for those clients. This Agreement may be terminated for any reason, by any Party, by giving 90 days advance written notification to the other parties of the termination date. There is no financial impact. (C2604035001)

**AMENDMENT LOAN REPAYMENT ASSISTANCE PROGRAM**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Amendment No. 1 to C2607008800, Correctional Health Services (CHS) Loan Repayment Assistance Program (CHS-LRAP), created pursuant to A.R.S §11-251 which went into effect July 1, 2007, and remains in place for the duration of available funds. This amendment is to clarify that CHS may pay CHS-LRAP tuition reimbursement funds to eligible Section A participants in an amount that will be grossed-up by 15% to help cover participant income tax liability. Implementation of this amendment will not impact either the not-to-exceed amount specified in C260700880 or the CHS budget, as both were created to accommodate the original gross-up intent. (C2607008801) (ADM2131)

**GENERAL RELEASE OF CLAIMS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize execution of General Release of Claims in favor of Unum Group in exchange for a payment of \$29,711.53 pursuant to an agreement between the New York Attorney General and Unum Group concerning Unum's broker compensation practices. (C3508002800) (ADM409)

**NOTICES OF GRANT AWARD FOR HIV SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve two awards from the Department of Health and Human Services' Health Resources and Services Administration (HRSA) for HIV services to General Government that increase the Ryan White grant. The notice of grant award received May 16, 2007, was in the amount of \$1,811,234 and the notice of grant award received June 20, 2007, was in the amount of \$770,000, totaling \$2,581,234. All these additional grant funds will be expended from July 1, 2007 to February 29, 2008. The estimated General Government indirect Rate is 10% in FY 2007-08. HRSA allows 10% indirect for administrative cost only. The recoverable indirect amount is \$35,199. \$2,194,049 are passed through to sub-recipients and are not subject to indirect. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 450, Fund 532) associated with the aforementioned grant in an amount of \$2,581,234. The appropriations adjustment is necessary because these funds were not included in the FY 2007-08 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law.



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The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C4508001300)

**ADDITION AND/OR REPLACEMENT OF MARKET RANGES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the addition and/or replacement of the Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board on April 18, 2007, and amended most recently on July 25, 2007. (C4907038605) (ADM3300-006)

	<b>Minimum</b>	<b>Midpoint/ Hiring Maximum</b>	<b>Maximum</b>
<b>Community Nutrition Worker</b>	\$11.75	\$14.40	\$17.05

**AMENDMENT TO AGREEMENT WITH VALUE OPTIONS OF ARIZONA, INC. FOR THE HOMELESS CLINIC**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Amendment No. 4 to the Behavioral Health Fee-For-Service Agreement (C86060251) between Value Options of Arizona, Inc. (VO of Arizona) and Maricopa County Department of Public Health's Health Care for the Homeless Clinic (HCH). The purpose of this amendment is to extend the contract through August 31, 2007, with automatic renewals for one month periods not to extend beyond June 30, 2008. Automatic renewals are contingent upon availability of funding from VO of Arizona. Amendment No. 4 also increases the contract funding to the Department of Public Health in the amount of \$11,100 for the funding period of July 1, 2007 to August 31, 2007. Pursuant to the agreement's Special Terms and Conditions G. Financial Provisions 1. Availability of Funds, funding for any additional extensions after August 31, 2007, will be calculated on a prorated basis from the two month funding established for the period of July 1, 2007 to August 31, 2007. All other terms and conditions of the original agreement shall remain in full force and effect. Maricopa County Department of Public Health's indirect cost rate for FY 2007-08 is 18%. This grant allows for full indirect cost reimbursement estimated at \$1,694, all of which is recoverable. No revenue and expenditure appropriation adjustment is needed as these funds are included in FY 2007-08 Adopted Budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8606025105)

**AMENDMENTS FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the Amendments to the following intergovernmental agreements (IGA) to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. These amendments are effective upon execution by both parties and exercise the option in the agreement per Section 1, paragraph 24 to extend the agreements for a one year period starting upon full-execution of the agreement to May 1, 2008. These agreements are covered under Section MC1-1001 of the Maricopa County Procurement Code. IGA items (a – l) were originally approved under C86074532Li on July 26, 2006, as the last three items (m – o) were not approved under this LI on July 26, 2006:

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- a. Amendment No. 1 with the Arlington School District. This amendment also provides additional funds to the Arlington School District in the amount of \$1,500 for the budget period July 1, 2007 through May 1, 2008. (C8607400201)
- b. Amendment No. 1 with the Gila Bend Elementary School District. This amendment also provides additional funds to the Gila Bend Elementary School District in the amount of \$1,500 for the budget period July 1, 2007 through May 1, 2008. (C8607403201)
- c. Amendment No. 1 with the Higley Unified School District. This amendment also provides additional funds to the Higley Unified School District in the amount of \$9,500 for the budget period July 1, 2007 through May 1, 2008. (C8607405201)
- d. Amendment No. 1 with the Laveen Elementary School District. This amendment also provides additional funds to the Laveen Elementary School District in the amount of \$6,000 for the budget period July 1, 2007 through May 1, 2008. (C8607407201)
- e. Amendment No. 1 with the Mobile Elementary School District. This amendment also provides additional funds to the Mobile Elementary School District in the amount of \$1,500 for the budget period July 1, 2007 through May 1, 2008. (C8607409201)
- f. Amendment No. 1 with the Paloma Elementary School District. This amendment also provides additional funds to the Paloma Elementary School District in the amount of \$1,500 for the budget period July 1, 2007 through May 1, 2008. (C8607410201)
- g. Amendment No. 1 with the Sentinel Elementary School District. This amendment also provides additional funds to the Sentinel Elementary School District in the amount of \$1,500 for the budget period July 1, 2007 through May 1, 2008. (C8607414201)
- h. Amendment No. 1 with the Balsz School District. This amendment also provides additional funds to the Balsz School District in the amount of \$7,500 for the budget period July 1, 2007 through May 1, 2008. (C8607415201)
- i. Amendment No. 1 with the Morristown Elementary School District. This amendment also provides additional funds to the Morristown Elementary School District in the amount of \$1,500 for the budget period July 1, 2007 through May 1, 2008. (C8607422201)
- j. Amendment No. 1 with the Phoenix Elementary School District. This amendment also provides additional funds to the Phoenix Elementary School District in the amount of \$28,000 for the budget period July 1, 2007 through May 1, 2008. (C8607425201)
- k. Amendment No. 2 with the Wickenburg Unified School District. This amendment also provides additional funds to the Wickenburg Unified School District in the amount of \$3,500 for the budget period July 1, 2007 through May 1, 2008. (C8607427202)
- l. Amendment No. 1 with the Union Elementary School District. This amendment also provides additional funds to the Union Elementary School District in the amount of \$1,500 for the budget period July 1, 2007 through May 1, 2008. (C8607447201)

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- m. Amendment No. 2 with the Peoria Unified School District. This amendment also provides additional funds to the Peoria Unified School District in the amount of \$47,500 for the budget period July 1, 2007 through May 1, 2008. (C8607450202)
- n. Amendment No. 1 with the Wilson School District. This amendment also provides additional funds to the Wilson School District in the amount of \$2,000 for the budget period July 1, 2007 through May 1, 2008. (C8607454201)
- o. Amendment No. 1 with the Fountain Hills Unified School District. This amendment also provides additional funds to the Fountain Hills Unified School District in the amount of \$2,000 for the budget period July 1, 2007 through May 1, 2008. (C8607481201)

**AGREEMENT FOR STD CLINIC/TESTING AND DONATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the Clinical Study Agreement between Healthcare Providers Direct (HPD) and Maricopa County through its Department of Public Health for the Sexually Transmitted Disease (STD) Clinic. This Clinical Study Agreement will provide the STD Clinic with Chlamydia tests for three hundred (300) patients. HPD will pay the STD clinic \$5,000 for study expenses of approximately three hundred (300) patients and other related costs. The term of this agreement is effective upon Board approval and will terminate one year from that date.

Also, accept the donation of Chlamydia tests valued at \$3 per test (valued at \$900) and non-cash incentives for each of the 300 participants valued at \$25 per participant (valued at \$7,500) for a total in-kind donation valued at the amount of \$8,400.

The Department of Public Health's fee fund indirect reimbursement rate for FY 2007-08 is 19.85%. This agreement does not allow for indirect reimbursement. Full indirect expenses are estimated at \$2,660 all of which is unrecoverable.

Pursuant to A.R.S. §42-17106(B), approve the transfer of expenditure authority between the Non-Departmental Grants Fund (Department 470, Fund 249) and the Public Health Fee Fund (Department 860, Fund 265). This action will require revenue and expenditure appropriation adjustments decreasing the FY 2007-08 Non-Departmental Department (470) General Government Grant Fund (249) by \$13,400 and increasing the FY 2007-08 Public Health (860) Public Health Fees Fund (265) by \$13,400. These adjustments will result in a County-wide net financial impact of zero. (C8608006100) (ADM2150)

**STRATEGIC NATIONAL STOCKPILE ASSETS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the Intergovernmental Agreement (IGA) between the Gila River Indian Community (GRIC) and Maricopa County by and through its Department of Public Health's Emergency Management Program (PHEM). This IGA allows PHEM to deliver Strategic National Stockpile assets (SNS) to GRIC in the event of a public health emergency. This agreement is non-financial, with a term that is effective upon Board approval and is valid until terminated by either party. (C8608019200)

**CLINICAL NUTRITION TRAINING EXPERIENCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following:

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- a. Affiliation Agreement with Phoenix Body Positive, Inc. and the Department of Public Health to provide clinical nutrition training experience for graduate students in the dietetic internship at the Department of Public Health Office of Nutrition Services. This agreement is non-financial, and the term is from July 1, 2007 through June 30, 2012. (C8608020000)
- b. Affiliation Agreement with Diversified Specialty Institutes and the Maricopa County Department of Public Health to provide clinical nutrition training experience for graduate students in a dietetic internship with the Department of Public Health Office of Nutrition Services. This agreement is non-financial, and the term is from September 1, 2007 through June 30, 2012. (C8608021000)

**CONTRACT FOR WORKFORCE INVESTMENT ACT YOUTH SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Contract C22080971, between Valley of the Sun YMCA and Maricopa County through the Human Services Department for services to provide Workforce Investment Act (WIA) youth services and activities to a minimum of 75 out-of-school youth, ages 16-21, who reside in Maricopa County in the amount of \$499,997. This contract is effective September 1, 2007 through August 31, 2008, with the option of renewing the contract for four additional one-year terms based on performance and funding availability. Funding for this contract is federal WIA funding provided to Maricopa County by the Arizona Department of Economic Security.

Also approve revenue and expenditure appropriation adjustments to the Human Services Grant Fund (222) associated with the funding in the amount of \$499,997. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these funds are not prohibited by the budget law. This appropriation adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. This contract does not contain any County general funds. (C2208097100)

**AMENDMENT TO MINIATURE GOLF/BATTING RANGE AGREEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 4 to the Miniature Golf/Batting Range Agreement dated February 2, 1987, between Casey at the Bat, Inc. and Maricopa County by and through the Parks and Recreation Department to amend the termination date from November 4, 2008 to June 30, 2008. This agreement was initially approved for construction, maintenance and operation of facilities at Paradise Valley Park and subsequently amended under 87-086997, CS90-1003, C1804004B00 and C3004015100. Upon approval, the effective date of this agreement will be February 2, 1987 to June 30, 2008. There are no renewal options remaining. (ADM323) (C3004015101) (ADM3231)

**COOPERATIVE AGREEMENT AND ACCEPT FUNDS FOR A POND ENHANCEMENT PROJECT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to enter into a Cooperative Agreement and accept funds from U. S. Fish and Wildlife Service (USFWS) for a Pond Enhancement Project at the McDowell Mountain Regional Park. The total cost of the project is estimated at \$5,800. The USFWS will provide funds of \$3,000 and Parks and recreation will provide the match in labor and materials of \$2,800. McDowell Mountain Regional Park will contribute labor, use of equipment, implementation of components of the vegetation, site monitoring and maintain and manage the ponds.

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Also approve an appropriation adjustment to Parks and Recreation Department (300) Parks and Rec. Grants fund (230), increasing the FY 2007-08 revenue budget by \$3,000 and the expenditure budget by \$3,000. The matching costs are available and budgeted in the Parks and Recreation Department (300) Parks Enhancement Fund (241). These funds are non-local revenues for the purpose of the constitutional expenditure limitation and therefore expenditures of these revenues are not prohibited by the budget law. The indirect cost recovery rate for Parks & Recreation is 17.57%. This grant does not allow for indirect cost recovery. The total unrecoverable indirect amount is \$527. (C3008006300)

**MEMORANDUM OF UNDERSTANDING WITH ARIZONA ZOOLOGICAL SOCIETY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and execute a Memorandum of Understanding between Arizona Zoological Society and Maricopa County, through its Parks and Recreation Department, to create a more formal working relationship and share resources to effect a positive impact and benefit to the public. Under this agreement the County will serve as the sponsoring agency for application of Heritage Fund grants. Should a grant be awarded, the Parks & Recreation department will return to the Board of Supervisors for approval to accept funding. (C3008007000)

**ANIMAL CONTROL FIELD SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an intergovernmental agreement (IGA) between Maricopa County through Maricopa County Animal Care & Control and the City of Glendale, for Animal Control Field Services. This IGA is effective from July 1, 2007, through June 30, 2010. The City of Glendale agrees to pay full cost recovery for field services for FY 2007-08 estimated to be \$295,177 based on historical levels of service for this jurisdiction.

Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY2008-09 and FY 2009-10, based on service levels. (C7908022200)

**KENNEL PERMITS RENEWALS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve kennel permit renewal #311 pursuant to A.R.S. §11-1009 for Leighton Oosthuisen, d.b.a. Oosthuisen Kennels, located at 4640 E. Forest Pleasant Place, Cave Creek, AZ 85331, for the term of August 22, 2007 through August 21, 2008. The cost of a kennel permit is \$328, plus a penalty fee of \$25; totaling \$353. (C7908023C00) (ADM2304)

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

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**LEASE WITH CENTRAL ARIZONA SHELTER SERVICES LLC FOR WAREHOUSE SPACE**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve and execute new Lease No. MC10166 with Central Arizona Shelter Services, LLC, Lessee, for 7,687 square feet of warehouse space located at 1214 W. Madison, Phoenix, AZ. The term of the lease commences September 18, 2007, and terminates September 17, 2008, with an option to renew for one additional year. The annual rental rate is \$1.00 per year. The Lessee wishes to utilize this facility as a "Low Demand" shelter. This lease contains a 90-day termination provision and a six-month holdover provision. (C1808010400)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award**

- 07062-C      Padlocks** (\$350,000 estimate/three years with three one-year renewal options) Price agreement to provide Padlocks and Keys of various types for County Agencies as requested by the Sheriff's Office and Facilities Management Departments.
- Independent Hardware, Inc.

**Renewals/Extensions:**

Renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until November 30, 2010**

- 04092-RFP      Plan Review Services** (\$4,500,000 estimate/three years) Contract for review of construction drawings to assure compliance with County adopted building codes, related zoning ordinance requirements and the review of drainage plans as requested by the Planning and Development Department.
- Stantec Consulting, Inc.

**Increase in the price agreement amount for the following contract(s).** This request is due to an increased usage by County departments.

- 03016-S      Auto Body Repair** (\$400,000 increase) Increase price agreement value from \$435,000 to \$835,000. This \$400,000 increase is being requested by Risk Management to allow for additional funds to repair County vehicles damaged in accidents. Materials Management Department approved a two year renewal on July 20, 2006, in the amount of \$435,000. Original award date was July 30, 2003. This price agreement has an expiration date of August 31, 2008.
- Ace Auto Collision
  - Auto Safety House

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- Five Star Ford-Collision

- 04041-S      Pumping Services: Grease, Lint, Cesspool, And Sump Trap** (\$300,000 increase) Increase price agreement value from \$250,000 to \$550,000. This \$300,000 increase is requested by FMD to cover current purchase orders and future expenditures over the remaining two years of this agreement. This agreement was approved by the Board of Supervisors on July 7, 2004, and has an expiration date of July 31, 2009.
- Ecology Control Industries

**Trade-In**

Trade-in of one set of 8210 optical laser alignment heads toward the purchase of an upgraded set of 8225UI alignment heads. These heads fit a Model 2110 analyzer s/n 20023530 currently in use at the Facilities Management Department. The trade-in is with Computational Systems, Inc. for a value of \$2070 which will be deducted from the purchase price (\$12,069.99) of the replacement heads. (ADM800-002)

**SETTLEMENT OF WORKER'S COMPENSATION LIEN**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Settlement of worker's compensation lien resulting in receipt of \$5,000 as full and final satisfaction of Maricopa County's worker's compensation lien against the third party claim/legal action of Alva Tovar in Maricopa County Superior Court No. CV2006-50972, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. (C7508003100) (ADM3712)

**WAIVER OF MARICOPA COUNTY'S WORKER'S COMPENSATION LIEN**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve a full waiver of Maricopa County's worker's compensation lien against the third party claim/legal action of Kenneth Skiles, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. (C7508006100) (ADM3712)

**ACCEPT PALO VERDE NUCLEAR GENERATING STATION FUNDING FROM THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and accept funding from the Arizona Division of Emergency Management for Palo Verde Nuclear Generating Station as appropriated from the Arizona State Legislature for FY 2007-08 in the amount of \$333,615. The grant period is July 1, 2007 to June 30, 2008. The Palo Verde funding was included in the FY 2007-08 base budget in the amount of \$333,615. MCDEM's indirect cost rate for this grant is 12.85%. Indirect costs of \$37,988.06 are allowable and recoverable. (C1508002300)

**ACCEPT GRANT AWARD FROM THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and accept grant award from the Arizona Division of Emergency Management for the Emergency Management Performance Grant (EMPG) for FY 2007-08 in the amount of \$282,374. The

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grant period is October 1, 2006 to September 30, 2008. The EMPG was included in the FY 2007-08 base budget in the amount of \$282,374. MCDEM's indirect cost rate for this grant is 12.85%. Indirect costs of \$32,153.35 are allowable and recoverable. (C1508004000)

**RESCIND ACTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to rescind the previous action approved by the Board on July 25, 2007 under C7008013800 to accept a donation in the amount of \$377,990 from the Arizona Peace Officer Standards and Training Board (AZ Post). The actual funding is in the form of a grant and the Sheriff's Office has submitted agenda item C5008519300 for its acceptance. (C7008013801) (ADM3900-003) (ADM3917)

**CONTINUATION OF EMPLOYEE RECOGNITION REWARD PROGRAM**

In accordance with Section X of the Maricopa County Compensation Plan, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the continuation of the Facilities Management Quarterly Employee Recognition Reward Program for FY 2007-08 to allow for the purchase and award of American Express gift cards (02059-RFP) in denominations of 25 points for a maximum award of 50 points per employee per event. These gifts cards have no cash value. The cost of the program is anticipated at \$4,800 and will be absorbed in the current expenditure budget of Department 70/Facilities Management, Fund (100). The program will cover the period from July 1, 2007 through June 30, 2008. (C7008018800) (ADM3336) (ADM800-001)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

DD-10084                      Project No.: TT011 – Ray Road and Meridian Road -Warranty Deed - Parcel  
(GL)                              No.: 304-33-019Y, 923, 984, 986 - Newcastle Development, LLC, an Arizona  
   limited liability company - for the sum of \$10.00.

DD-10084                      Project No.: TT011 – Ray Road and Meridian Road - Purchase Agreement and  
(GL)                              Escrow Instructions - Parcel No.: 304-33-019Y, 923, 984, 986 – Newcastle  
   Development, LLC, an Arizona limited liability company.

DD-10718                      Project No.: TT011 – Warner Road – Warranty Deed - Parcel No.: 304-30-008M  
(GL)                              – Donald Glasnap, Trustee under the King Investment Trust, dated 12/1/86 - for  
   the sum of \$10.00.

DD-10718                      Project No.: TT011 – Warner Road – Purchase Agreement and Escrow  
(GL)                              Instructions - Parcel No.: 304-30-008M – John King, Trustee under the King  
   Investment Trust, dated 12/1/86.

DD-10719                      Project No.: TT011 – McQueen Road – Quit-Claim Deed – Parcel No.: 303-29-  
(GL)                              031D – Corporation of the Presiding Bishop of the Church of Jesus Christ of  
   Latter Day Saints, a Utah corporation sole – for the sum of \$10.00.

HH-0782-2                      Project No.: TT011 (TT147) – 90<sup>th</sup> Street Improvements (McDowell Rd. to



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- (HH)                      Quenton St) – Drainage Easement – Parcel No.: 219-33-021S – Daniel A. Shreeve and Susan E. Shreeve, Trustees under the D&S Shreeve Family Trust, dated 8/23/06 – for the sum of \$13,500.00.
- HH-0782-2              Project No.: TT011 (TT147) – 90<sup>th</sup> Street Improvements (McDowell Rd. to  
(HH)                      Quenton St) –Purchase Agreement and Escrow Instructions – Parcel No.: 219-33-021S – Daniel A. Shreeve and Susan E. Shreeve, Trustees under the D&S Shreeve Family Trust, dated 8/23/06.
- TT-253                    Project No.: TT253 – Rainbow Road Bridge @ the Buckeye Canal – Temporary  
(JPM)                    Construction Easement and Agreement for Highway Purposes – Parcel No.: 504-45-001E, 504-44-023A – First American Title Insurance Company, Successor Trustee of Trust 530 – for the sum of \$1.00.

**RESIGNATION**

Item: Accept the resignation of Brian C. McNeil who served as a citizen member at-large on the Board of Health. His resignation is effective immediately upon Board approval. (C0608014900) (ADM2101-001)

Supervisor Kunasek expressed his regrets at accepting Brian McNeil's resignation from this board. He said that Mr. McNeil is serving his country during the Middle East crisis and had decided resignation would be his best decision at this time.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to accept the resignation of Brian C. McNeil.

**RESOLUTION – HASSAYAMPA UTILITY COMPANY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt a Resolution of the Maricopa County Board of Supervisors regarding the support of Hassayampa Utility Company's 208 Amendments for Northeast Service Area and Southwest Service Area.

**RESOLUTION**

**Of the Maricopa County Board of Supervisors Regarding the  
Support of Hassayampa Utility Company's 208 Amendments for  
Northeast Service Area and Southwest Service Area**

**WHEREAS**, Hassayampa Utility Company has applied for amendments to the area wide wastewater treatment plan (208 Plan) for their Northeast Service Area and Southwest Service Area within the unincorporated area of Maricopa County, as required for regional wastewater treatment planning under Section 208 of the Federal Clean Water Act and;

**WHEREAS**, the Maricopa Association of Governments 208 Plan requires the jurisdiction in which the proposed wastewater facilities are located to bring forward the amendment to the Maricopa County Association of Governments for approval as the sponsoring agency, and;

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**WHEREAS**, Maricopa County assigned responsibility for review of 208 amendments within the unincorporated areas of Maricopa County to the Maricopa County Environmental Services Department, and that Department has determined that the applications are technically correct, and;

**WHEREAS**, Maricopa County Environmental Services Department has forwarded the applications to the Maricopa Association of Governments for approval as the sponsoring agency, and;

**WHEREAS**, the Hassayampa Utility Company's applications includes commitments to reuse treated wastewater through plans to use recycled wastewater effluent for non-potable uses, and;

**WHEREAS**, the approval of the applications will result in a regional solution for water and wastewater services;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors fully supports Hassayampa Utility Company's applications, and as a member of the Maricopa Association of Governments, requests that the applications be approved.

**DATED** this 22<sup>nd</sup> day of August 2007. (ADM681)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt the following captioned Resolution approving the issuance by The Industrial Development Authority of the County of Maricopa of Single Family Mortgage Revenue Bonds, to be issued in one or more series pursuant to a Plan of Finance, in an aggregate principal amount not to exceed \$400,000,000 in furtherance of the Single Family Mortgage Revenue Bond Program 2007A of The Industrial Development Authority of the City of Phoenix, Arizona and The Industrial Development Authority of the County of Maricopa in an aggregate principal amount not-to-exceed \$400,000,000, and approving a Cooperative/Intergovernmental Agreement, the Standards and Requirements and the General Plan relating to the Program; and other matters necessary or desirable for the issuance and sale of the bonds. This item is being considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued: (C1808011A00) (ADM4792)

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA OF SINGLE FAMILY MORTGAGE REVENUE BONDS, TO BE ISSUED IN ONE OR MORE SERIES PURSUANT TO A PLAN OF FINANCE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$400,000,000 IN FURTHERANCE OF THE SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM 2007A OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF PHOENIX, ARIZONA AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$400,000,000, AND APPROVING A COOPERATIVE/ INTERGOVERNMENTAL AGREEMENT, THE STANDARDS AND REQUIREMENTS AND THE GENERAL PLAN RELATING TO THE PROGRAM.**

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**INDUSTRIAL DEVELOPMENT AUTHORITY (UMOM NEW DAY CENTER INC. PROJECT)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following captioned Resolution of the Board of Supervisors of Maricopa County, Arizona ratifying the conducting by Tom Manos or his designee of a public hearing as required by the provisions of Section 147(F) of the Internal Revenue Code of 1986, as amended and authorizing the Chairman of the Maricopa County Board of Supervisors, on behalf of the Board, to approve the issuance by the Industrial Development Authority of the City of San Luis, Arizona to issue not-to-exceed \$10,000,000 aggregate principal amount of its Industrial Development Revenue Bonds (UMOM New Day Centers, Inc. Project), Series 2007. (C1808013A00)

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA RATIFYING THE CONDUCTING BY TOM MANOS OR HIS DESIGNEE OF A PUBLIC HEARING AS REQUIRED BY THE PROVISIONS OF SECTION 147 (f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED AND AUTHORIZING THE CHAIRMAN OF THE MARICOPA COUNTY BOARD) OF SUPERVISORS, ON BEHALF OF THE BOARD, TO APPROVE THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SAN LUIS, ARIZONA TO ISSUE NOT TO EXCEED \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS (UMOM NEW DAY CENTERS, INC. PROJECT), SERIES 2007**

**REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003) Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

No vouchers and/or warrants were presented for approval or ratification for this meeting. No update was given to the Board at this meeting.

**PUBLIC HEARING SET – FRANCHISE – WEST END WATER CO.**

Pursuant to A.R.S. §40-283, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to set a public hearing for 9:00 a.m. on Wednesday, September 19, 2007, at 205 W. Jefferson, to solicit comments and consider the reapplication by West End Water Co., for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider the reissuance of a public service franchise extension, and whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the

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franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608018700) (F17643)

**PUBLIC HEARING SET – ANNEXATIONS/DEANNEXATIONS**

Pursuant to A.R.S. §9-471.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to schedule a public hearing for 9:00 a.m. Wednesday, September 19, 2007, at 205 W. Jefferson, regarding ordinances filed by the City of Peoria and the City of Glendale deannexing and annexing certain territory within their present corporate limits. The City of Peoria will deannex and the City of Glendale will annex a 13 acre parcel located at 17750 North 83rd Avenue. (ADM4212-001) (ADM4207-001)

**PUBLIC HEARING SET – MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to set a public hearing, as required by A.R.S. §49-479(b), for October 17, 2007, at 205 W. Jefferson, to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 322 (Power Plant Operations), Rule 323 (Fuel Burning Equipment From Industrial/Commercial/Institutional Sources), and Rule 324 (Stationary Internal Combustion Engines), and to solicit comments on submitting the rules as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 322, 323, and 324 and to submit the revised rules as a revision to the (Arizona) State Implementation Plan (SIP). (C8508003700) (ADM2354)

Supervisor Stapley commented on the efforts being made in working with industry to clean the air hoping to overcome the PM-10 problems cited for the Valley by the EPA. Supervisor Wilson referenced an article in this morning's Republic alleging that the Bring Back Blue campaign was a failure because no one knows what it is. He felt that more people are aware of local air pollution now than ever before. He said this is a process that is just beginning and the money is well spent because the County has no choice if the quality of life we all enjoy is to be maintained.

Motion carried unanimously (3-0-2).

**ASRS CLAIMS**

No payment of claims request was submitted by the Arizona State Retirement System for authorization at this meeting. (ADM3309-001)

**CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts for this meeting. (ADM4300)

**CLASSIFICATION CHANGES**

No classification changes were submitted for this meeting. (ADM723)

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**DONATIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to accept the donation reports received from county departments for July 2007. (ADM1810)

Sheriff                      Cash donation of \$35.00

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve and ratify, as requested, to issue duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Heather Rae Redmond	280005731	Payroll	\$1,253.11
Jose H Gonzales Jr.	270046580	Payroll	\$773.02
Focus 21 Inc.	380000961	Expense	\$263,000.00
Kristin J Curry	370052685	Expense	\$108.00
1750 Mesa LLC	380005023	Expense	\$184,367.56
Dorothy Janet Russell	270028746	Expense	\$55.00

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Eduardo Munoz	Treasurer	180161233	\$554.16
Buddys All Stars	Agua Fria Union High SD #216	470121914	\$8,804.69
ASSBO	Saddle Mountain Unified SD #90	470079546	\$70.00
ACTE/AZ	Saddle Mountain Unified SD #90	470125183	\$610.00
David Moxley	Queen Creek SD #95	170009992	\$1,184.72
Steven Ray	Queen Creek SD #95	170012903	\$208.12
Clarice Melone	MC Regional SD #509	180005615	\$626.85
Richard Smith	Higley Unified SD #60	170119595	\$1,257.26
Sarah Bustamante	Alhambra SD #68	170114248	\$282.12
Zara Amador	Alhambra SD #68	180000872	\$31.28
City of Phoenix - Water Dept	MC Regional SD #509	480005680	\$1,526.30
Stephanie Rutherford	Litchfield Elementary SD #79	470121623	\$51.30
Digital River Co.	Roosevelt SD #66	470060060	\$899.00

**MINUTES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the minutes of the Board of Supervisors meetings held May 16, 2007.

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**PRECINCT COMMITTEEMEN**

Pursuant to A.R.S. §16-821, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated August 22, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve requests from the Assessor for corrections of the Secured Tax Roll resolutions. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
2006	12626	13210	-\$144,368.70
2005	19185	19226	-\$66,680.08
2004	15922	15946	-\$52,567.28
2003	28126	28128	-\$16,508.10

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the settlement of tax cases dated August 22, 2007. (ADM704)

**2005**  
TX2006-050222  
**2006**  
TX2005-050177

**STALE DATED WARRANTS**

No claims were presented for approval at this meeting. (ADM1816)

**TAX ABATEMENTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>
141-87-602	2001	\$1,564.42	217-09-005Y	2005	\$32,536.27
141-87-602	2002	\$77.71	217-09-005Y	2006	\$30,554.95
141-87-604	2001	\$265.24	117-31-050	2002	\$1,190.02
141-87-604	2002	\$1,816.52	117-30-52	2002	\$1,181.78
141-87-603	2001	\$1,151.46	919-22-370	1991	\$52,028.22
141-87-603	2002	\$4,762.91	919-22-370	1992	\$59,447.81
501-19-050	2003	\$2,877.86	919-22-370	1993	\$58,462.58

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501-19-050	2004	\$2,083.00	919-14-251	1992	\$13,458.86
501-19-052D	2003	\$85.60	919-14-251	1993	\$10,173.49
501-19-052D	2004	\$99.84	924-21-066	2001	\$2,806.45
122-61-059B	2001	\$319.02	901-39-038	2001	\$2,540.90
129-24-039	2001	\$16.94	901-40-119	2001	\$12,102.91
129-24-039	2002	\$16.85	115-39-093	2000	\$1,340.40
132-42-062B	1986	\$8,994.76	115-39-093	2001	\$1,486.44
132-42-062B	1987	\$9,545.78	115-39-093	2002	\$1,559.47
209-12-009J	1999	\$4,441.51	115-39-093	2003	\$1,467.28
209-12-009J	2000	\$4,077.86	115-39-093	2004	\$1,534.36
209-12-009J	2001	\$3,752.85	161-31-091	1998	\$11.10
209-12-009J	2002	\$7,373.72	161-31-091	1999	\$10.90
209-12-009J	2003	\$11,567.48	161-31-092	1998	\$11.10
148-03-005F	1992	\$33.40	161-31-092	1999	\$10.90
148-03-005F	1993	\$33.24	161-31-093	1998	\$11.10
148-03-005F	1994	\$31.32	161-31-093	1999	\$10.90
148-03-005F	1995	\$31.33	161-31-094	1998	\$11.10
148-03-005F	1996	\$30.52	161-31-094	1999	\$10.90
148-03-005F	1997	\$28.62	161-31-095	1998	\$11.10
148-03-005F	1998	\$26.83	161-31-095	1999	\$10.90
148-03-005F	1999	\$24.59	161-31-096	1998	\$11.10
148-03-005F	2000	\$21.88	161-31-096	1999	\$10.90
148-03-005F	2001	\$20.39	201-13-058D	2001	\$84.88
148-03-005F	2002	\$19.39	201-13-058D	2002	\$42.24
148-03-005F	2003	\$16.90	201-13-058D	2003	\$37.22
148-03-005F	2004	\$15.21	201-13-058D	2004	\$32.55
148-03-005F	2005	\$12.88	201-13-058D	2005	\$53.47
148-03-005F	2006	\$2,522.03	201-13-058D	2006	\$9.36
212-11-055H	2001	\$6.20	304-87-112	2001	\$178.22
212-11-055H	2002	\$6.40	304-87-112	2002	\$502.34
212-11-055H	2003	\$10.29	304-87-113	2001	\$7.24
215-48-001L	1997	\$90.11	304-87-113	2002	\$8.94
215-48-001L	1998	\$60.28	304-87-114	2001	\$7.24
215-48-001L	1999	\$54.51	304-87-114	2002	\$8.94
215-48-001L	2000	\$50.20	304-87-115	2001	\$8.94
215-48-001L	2001	\$45.25	304-87-115	2002	\$8.94
215-48-001L	2002	\$41.04	304-87-116	2001	\$7.24
215-48-001L	2003	\$36.50	304-87-116	2002	\$8.94
215-48-001L	2004	\$31.48	304-87-117	2001	\$4,759.98
215-48-001L	2005	\$27.15	304-87-117	2002	\$7,131.17
215-48-001L	2006	\$9,496.10	304-87-118	2001	\$1,626.12
217-09-005Y	2002	\$5.57	304-87-118	2002	\$2,935.10
217-09-005Y	2003	\$131,780.29			
217-09-005Y	2004	\$38,082.49			

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**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

Don May, Royal Oaks Life Care Community, reported an open canal running down the center of 99<sup>th</sup> Avenue from Thunderbird south to Grand Avenue. He said this open storm drain has continued to collect trash for years and remains in chronic disrepair despite periodic maintenance attempts. He warned that it provides an ideal mosquito breeding ground, is dangerous – especially to the hundreds of seniors living in Royal Oaks, and it diminishes home values in the area. He also reported that several times a year 99<sup>th</sup> Avenue becomes a raging river that washes debris and granite from the sides of the roadway onto the blacktop. He asked that previous improvements from Bell Road to Thunderbird Road be extended south to Grand Avenue. (ADM605)

Chairman Kunasek addressed the upcoming Code Enforcement Review and reported that the County Attorney's Office had determined that those attending this meeting to comment on this appeal would not have standing to comment during the hearing, as it is a judicial proceeding with limited testimony allowed from the respondent. Mr. Kunasek invited any person who had signed up to comment at the hearing to come forward during this Public Comment period as they could be heard on any County issue under this agenda item.

Those registering in support of Mr. Wright included Michael Wright, Rocco Wachman, Michael Carpenito, Shareen Goodroad, Walter Wilson, Ann Ordway, Mary Ann Bushard, Ferrell Anderson, Nena Henry, Theresa DeMatteo, Jean Anderson, Walter Wilson and Jeannette Fish.

Nena Henry, citizen, said the Farm Bureau's Equestrian Committee had just approved a Policy and Position that covers what is considered normal horse use on properly zoned rural properties. She explained that it supports the Legislature's recent action stating that a horse is no longer considered a back-yard pet but as livestock, and that ways in which livestock is used should be accepted by the authority designating lands as rural. She reported that Mike Wright had been charged with advertising and charging a fee or donation for neighborhood events held at his corrals. She stated that Mr. Wright had not done any advertising – saying that advertising for events held at his ranch had been paid for by the Cave Creek Saddle Club. She reported that the rodeo type of activities being held at Wright's place have been done in the New River area since the late 1960s, and in Mike Wright's case, she knew of only one person who had made a complaint, and that person lives a half-mile away.

Ms. Henry informed the Board that since 1997 she had been a strong advocate in urging people living in the New River area to apply for Special Use Permits (SUP). She stated that because of the ruling in Mr. Wright's case, "I will never, ever recommend to anybody to get one again." Ms. Henry said the process that honest, hard-working people have to go through, and the requirements made on these people's property in order to obtain a SUP for an event are "ludicrous." She gave an example of a large rancher who obeyed the law and applied for a SUP. She said that he now is required to "form a formal water company on his property" to be able to install water fountains for use when he holds his roping events. She repeated, "That's ludicrous." She said he has had to spend thousands of dollars for attorneys and engineers on improvements to get the site to the standards set by P&D. She added that all of this will give that property owner the right to host his buddies on the one night a month they come over to enjoy some roping activities using his corrals.

Ms. Henry read from their Policy and Position, as follows: "Our position is the Maricopa County Planning Department should recognize horses as livestock and exempt equine activities from requirements for Special Use Permits in all rural areas zoned for agricultural use." She continued by saying it also contains language recognizing the owner's property rights and the right of property owners to be



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protected from unnecessary and exorbitant costs and fees. She explained that this policy was adopted by Maricopa County Farm Bureau delegates at their annual meeting and would now most likely be adopted across the state. She said the Bureau would be happy to work with Planning and Development to try to adopt standards that would be acceptable to all.

Shareen Goodroad agreed with comments made by Ms. Henry and strongly urged the County to work with the New River Community Association to assess the definition of commercial use as pertains to a rural overlay, and on equestrian related activities that would be required under a Special Use Permit, to make it reasonable and possible for residents who own horses to enjoy many kinds of activities with them. She said the Association supports Mr. Wright's plans and uses for the arena as well as any other activities that promote and enhance the rural life style enjoyed in New River in which equestrian activities play a large part.

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

There were no comments from Board Members at this time. (ADM606)

**PLANNING AND DEVELOPMENT ITEMS**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**PLEASE NOTE:** The following Code Enforcement Review is of a quasi-judicial nature. The Board will review the Hearing Officer's decision to determine if sufficient evidence was presented to the Hearing Officer to support his decision, or whether a procedural error may have occurred. New evidence is not considered at these hearings.

**CODE ENFORCEMENT REVIEW – MICHAEL J. WRIGHT**

Chairman Kunasek called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2006-01380, Michael J. Wright. (ADM3417-05)

Darren Gerard reported that notice of this violation was received in August 2006. Code Enforcement Officer Bill Noye spoke with the applicant after the case was opened. He said notices for a team pinning and team sorting contest had appeared in several publications, i.e., a 4-H newsletter, an article in Bridle and Bit magazine for an event on January 23, 2007; the Cave Creek Saddle Club Internet site also had a notice for beginners' instructions, noting a \$35 fee for each rider. A hearing was scheduled on June 28, 2007, where Mr. Wright was found responsible for non-compliance. Mr. Wright immediately paid the \$300 base violation fine and terminated the equestrian center public venue. Mr. Gerard stated that no additional per diem fines are due and the site is now compliant. A SUP for the site has been applied for and is pending.

Michael Wright said they hadn't realized they were doing anything wrong or were in violation of a code in holding their neighborhood roping activities. He added that they have closed the arena to the general public and the property is now posted "no trespassing, personal arena." He did have questions in defining the meaning of the Order and asked for clarification as to what his personal use is on his property under that Order. He said the Order states the property "can be used on any regular basis" and his attorney felt this was too ambiguous to give clear direction. He outlined his interpretation as, "Any

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clubs coming in, we can now (with the SUP) rent the arena, use that for the commercial situation having money coming in; and can use my personal arena for friends and family.” Joy Rich, Assistant County Manager, acknowledged that “everything the respondent said is correct. None of those things constitute a violation.”

Supervisor Wilson said he had owned a horse ranch and acceded that on a ranch “there are certain ways that you get together and do certain things.” He recognized Mr. Wright’s honesty and compliance, adding that the Board has heard cases in the past of commercial businesses knowingly being set up on rural sites by people who weren’t so honest. He added that the County has rules and they must apply to all, the “good guys” as well as the “bad guys.”

Supervisor Stapley thanked Mr. Wright for his cooperation and advised Planning, “It would behoove us to continue to look at this general issue and come up with some equestrian ‘carve-outs’, if you will.” Motion made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to uphold the Hearing Officer’s Order of Judgment and assess no new fines since the applicant had reached compliance.

**PLANNING AND DEVELOPMENT AGENDA**

**CONSENT AGENDA:**

- 1.       Z2007-014       District 3**  
**Applicant:**       Deardoff, Pang & Weymiller, Inc. for Tyco Medical Building, LLC  
**Location:**       South of Anthem Way on the southwest side of Venture Drive (in the Anthem area)  
**Request:**       Precise Plan of Development for a medical office building in the C-2 CUPD zoning district (approximately 1.0 acres) – Tyco Medical Office Building

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2007-014, subject to stipulations “a” through “q”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 9-0.

- a.       Development of the site shall comply with the site plan entitled “Tyco Medical Office Building Parcel B, Venture Court Professional Plaza Zoning Case Z2007-014” consisting of one (1) full size sheet, dated revised May 31, 2007, and stamped received June 6, 2007, except as modified by the following stipulations.
- b.       Development of the site shall be in conformance with the narrative report entitled “Narrative Report for Tyco Medical Office Building Parcel B, Venture Court Professional Plaza” consisting of six (6) pages, dated revised May 31, 2007, and stamped received June 6, 2007, except as modified by the following stipulations.
- c.       Development of the site shall be in conformance with the landscape plan entitled “Tyco Medical Office Building”, consisting of one (1) full size sheet, dated revised May 21, 2007, and stamped received June 6, 2007, except as modified by the following stipulations.
- d.       Development of the site shall be in conformance with the wall plan entitled “Tyco Medical Office Building Parcel B, Venture Court Professional Plaza Zoning Case Z2007014” consisting of one (1) full size sheet, dated revised May 31, 2007, and stamped received June 6, 2007, except as modified by the following stipulations.

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- e. The following Maricopa County Drainage stipulations shall apply prior to issuance of the first building permit:
- The F.F.E. (Finished Floor Elevation) set up criteria shown in Drainage Report for Venture Court Professional Plaza is not correct. Please refer to the criteria shown in the most recent Maricopa County Drainage Policies and Standards. Update the F.F.E. based upon the correct criteria.
  - In Drainage Report for Venture Court Professional Plaza, it said that the onsite drainage will be directed via surface flow to an inverted crown drive located on the east side of the project site. Why a super-elevated drive was proposed at east side of project site. Probably it will cause the on-site flow overtop the curb to nearby wash.
  - Is Drainage Report for Venture Court Professional Plaza approved by County?
  - Clearly shown erosion setback line and 100-year floodplain limit boundary on the plan. Erosion protection shall be provided along the west side of the wash bank.
- f. All trees shall be double-staked when installed.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- i. Prior to the issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- k. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- l. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- m. Development and use of the site shall comply with the requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

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- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- q. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "q."

- 2. S2006-072 District 4**  
**Applicant:** Carl Bommarito with Vision 5 Development  
**Location:** North of Olive Avenue and east of 99th Avenue (in the Sun City area)  
**Request:** Final Plat in the R-4 zoning district for Riverwalk Village – Phase 1 (approximately 9.24 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve this final plat.

**REGULAR AGENDA:**

- 3. TA2006-013 All Districts**  
**Applicant:** Commission Initiative  
**Location:** County-wide  
**Request:** Text Amendment to the Maricopa County Zoning Ordinance (MCZO), Sections 801.7 and 1404.1 in regards to signage in the C-S zoning district

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of TA2006-013. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve this text amendment regarding signage in the C-S zoning district, as follows:

**SECTION 801. C-S, C-0, C-1, C-2 & C-3 (Commercial Zoning Districts)**

**ARTICLE 801.7 SIGN REGULATIONS:** A comprehensive sign package shall be approved that conforms to the sign regulations as provided in Chapter 14, Section 1404 and 1406 thereof. The

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comprehensive sign package should include, but is not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type, and architectural features. The comprehensive sign package shall be reviewed concurrently with the precise plan of development.

**SECTION 1404. C-S, C-0, C-1, C-2 & C-3 (Commercial Zoning Districts)**

**ARTICLE 1404.1. C-S (PLANNED SHOPPING CENTER ZONING DISTRICT)**

**1404.1.1. On-site advertising (business) signs, subject to the following:**

1. Aggregate area of signs permitted: The aggregate area of all signs facing any street frontage shall be limited to one square foot for each lineal foot of said street or highway frontage; provided, however, that wall signs as permitted herein shall not be included in such aggregate.
2. Maximum number of freestanding signs permitted:
  - a. Not more than one freestanding sign shall be permitted on any lot or parcel of property having a street or highway frontage of less than 300 feet.
  - b. On parcels having a total street highway frontage of 400 feet or more, an additional freestanding sign shall be permitted for each additional 200 lineal feet of street or highway frontage in excess of the first 200 lineal feet of frontage; provided, however, when more than one freestanding sign is permitted, no freestanding sign shall be located closer than 200 feet from any other freestanding sign located on the same parcel of real property.
  - c. On parcels having frontage on more than one street, one additional sign may be permitted for each such street frontage in accordance with the aforementioned formula.
3. Landscaping of freestanding signs: Freestanding signs shall be placed in a permanently landscaped area equal to four square feet for every one square foot of signage area. This landscaped area shall be located around the base of the sign. The height of the plant material at maturity shall not obstruct the sign message from view.
4. Maximum area of freestanding signs: Such signs shall not exceed an area of one square foot for each linear foot of street adjoining the property to which they pertain, except that the area need not be less than 50 square feet and in no case shall the area exceed 150 square feet. Where there is more than one of these signs located on the property, the aggregate sign area shall not exceed one square foot for each linear foot of street adjoining the property or 200 square feet, whichever is less, however, nothing contained herein shall require the aggregate sign area for any one establishment on the property to be less than 50 square feet.
5. Maximum height of freestanding signs:
  - a. No freestanding sign shall exceed a maximum height of 24 feet measured from ground level or a height equal to the distance from the base of said sign to the center line of any public right-of-way adjacent to the real property on which said sign is located, whichever is the lesser height, except if a sign is within 300 feet and oriented to and intended to be read from a freeway or expressway that is constructed below or above the natural grade, or if such freeway or expressway is intersected by a major

arterial, other freeway, expressway or bridge, the height in this area may be extended to 48 feet.

- b. The maximum height of any portion of any such sign or sign structure shall be **12** feet, when within a radius of 100 feet of such, sign there exists a rural or residential zone.
  - c. For each five feet of radius in addition to the aforementioned 100 feet within which additional radius no rural or residential zone exists, said sign or sign structure may be increased in height one foot, not to exceed the maximum height limits specified herein.
6. Wall Signs, provided that:
- a. Such signs shall be oriented to the business street frontage or to common use parking lots, courtyards or pedestrian ways on which the business fronts or takes access. For purposes of this provision, signs attached to a canopy attached to a building wall shall be considered wall signs.
  - b. The total aggregate area of all such wall sign(s) shall not exceed 15% of the front face/plane of a single/multi-tenant building, or wall plane of an individual business frontage where more than one tenant occupies the building. The calculation of such aggregate shall be measured from the ground to the roofline of the building.
  - c. Where a commercial building has more than one street frontage, only one of the frontages on a street may be designated by the owner/agent as the front of the building (or individual business) for purposes of calculating aggregate allowed wall sign area.
7. Such sign may be illuminated, but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.
8. Such sign shall not be animated or audible in any manner.

**1404.1.2 Permanent directional signs, subject to the following:**

1. Such sign shall not exceed 6 square feet in area.
2. Such sign may be double-faced.
3. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.
4. Such sign may be freestanding or placed parallel against a wall of a building, projecting there from not more than two feet with no part extending beyond the corner of the building nor above the roofline of the building. Such sign may be freestanding, but placement against a wall of a building shall be no higher than 12 feet above grade. The height of a freestanding sign shall not exceed 12 feet above grade.
5. Such sign may be located in or project into required yards, but such sign shall not be located in or project into any street or alley.
6. Such sign may be used to designate entrances or exits to or from a parking area if necessary for that purpose, but the number shall be limited to one for each such entrance or exit.

7. Such sign shall contain no advertising copy.
8. Such sign shall not count against total freestanding area or count in spacing formula.

1404.1.3 Temporary directional signs, subject to the following:

1. Such sign shall not exceed 6 square feet in area.
2. Such sign may be double-faced.
3. Such sign shall not be illuminated.
4. Such sign shall be freestanding. The height of a freestanding sign shall not exceed 12 feet above grade.
5. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.
6. Such sign shall contain no advertising copy.
7. Such sign shall be removed from the property within ten days after the purpose of the sign is fulfilled.

2. 1404.1- 4 Temporary signs pertaining to the sale, lease, hire or rental of property and temporary signs identifying the contractors and subcontractors, if any, engaged in the construction or repair of a building or buildings and the following, subject to the following:

1. Such sign shall not exceed **32** square feet in area on a vacant lot or 12 square feet in area when placed on wall of a building.
2. Such sign may be double-faced.
3. Such sign shall not be illuminated.
4. Such sign may be placed flat against a wall of a building or such sign may be freestanding, but placement against a wall of a building shall be no higher than 12 feet above grade. The height of a freestanding sign shall not exceed 12 feet above grade.
5. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.
6. Such sign shall not be moving, animated or audible in any manner.
7. Such sign shall be located on the shopping center site and the number shall be limited to one for each establishment in the shopping center.
8. Such sign shall be removed from the shopping center site within ten days after the purpose of the sign is fulfilled.

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- 4. Z2006-032 District 3**  
**Applicant:** Lamont Planning & Design Group for Desert Hills Ranch, LLC and Paint Your Wagon, LLC  
**Location:** Northeast corner of 14th Street and Paint Your Wagon Trail (in the north Phoenix/Desert Hills area)  
**Request:** Rezone from Rural-43 to Rural-43 RUPD (approximately 74.70 acres) – Desert Hills Ranch

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2006-032, subject to stipulations “a” through “t”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development of the site shall comply with the zoning exhibit entitled “Desert Hills Ranch Zoning Exhibit and Preliminary Plat Zoning Case Z2006032 & Preliminary Plat S2006026”, consisting of four (4) full-size sheets, dated revised April 17, 2007, and stamped received June 4, 2007. Within thirty (30) days of the Board of Supervisors approval, a revised exhibit will be required to reflect only the Zone Change information.
- b. Development of the site shall be in conformance with the narrative report entitled “Desert Hills Ranch Rezoning/Preliminary Plat Submittal”, consisting of seventeen (17) pages, dated revised April 17, 2007, and stamped received June 4, 2007, except as modified by the following stipulations. Within thirty (30) days of the Board of Supervisors approval, a revised narrative report will be required to reflect only the Zone Change information.
- c. Development of the site shall be in conformance with the landscape plan entitled “Desert Hills Ranch”, consisting of seventeen (17) full size sheets, dated revised April 17, 2007, and stamped received May 15, 2007, except as modified by the following stipulations. Prior to the Board of Supervisor’s hearing, a revised landscape plan will be submitted to the County to display the revised location of equestrian use with Tract B.
- d. The Rural-43 RUPD zoning district for Desert Hills Ranch shall be subject to the following development standards:

<b>Development Standard</b>	<b>Rural-43 Base</b>	<b>Rural-43 RUPD Proposed</b>
Maximum building height / stories	30’/2 stories	30’/2 stories
Minimum front setback	40’	30’
Minimum side setback	30’	25’
Minimum street side setback	20’	20’
Minimum rear setback	40’	40’
Minimum lot size	43,560 sq. ft.	35,000 sq. ft.
Minimum lot width	145’	122’
Average lot area per dwelling unit	43,560 sq. ft.	53,445 sq. ft.
Maximum lot coverage	15%	20%
Minimum distance between	15’	15’
Buildings on same lot		
Required parking spaces per unit	2	2
Hillside Disturbance	15%	Tract B - 2% (1,569 sq. ft.)



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Lot 12 - 100% (2,446 sq. ft.)

- e. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
- Provide a total half-width of 55' right-of-way on 16th Street with bonding for this roadway.
  - Provide a total half-width of 30' right-of-way on 14th Street.
  - Any landscaping in County right-of-way must meet Chapter 9 (Roadway Design Manual).
  - Construct ultimate half-width improvements on all perimeter roadways. Roadways must meet County standards in effect at the time they are constructed.
- f. All trees shall be double-staked when installed.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
- i. All interior streets within the proposed development are to be constructed to minimum County standards.
- j. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- k. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- l. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- n. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

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- o. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- q. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- r. If a Preliminary Plat has not been approved within two (2) years or if a Final Plat has not been approved within four (4) years from the date of Board of Supervisor's approval of this Zone Change, it will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reversion of the adopted zoning to the previous entitlements.
- s. Lots 1 – 8 shall be limited to one (1) story.
- t. The developer shall work with the property owner of parcel 211-74-006 (as documented on the applicant's zoning exhibit) to mitigate the headlight concerns.

Background information was provided by Darren Gerard who said the recommendation is for approval with some minor corrections to stipulations "a" "b" and "c."

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "t" and to include revised language to stipulations "a", "b" and "c" as given below:

- a- Development of the site shall comply with the zoning exhibit entitled "~~Desert Hills Ranch Zoning Exhibit and Preliminary Plat Zoning Case Z2006032 & Preliminary Plat S2006026~~Desert Hills Ranch Zoning Exhibit Zoning Case Z2006032", consisting of four (4) full-size sheets, dated revised ~~April 17~~ July 19, 2007, and stamped received ~~June 4~~ August 16, 2007. ~~Within thirty (30) days of the Board of Supervisors approval, a revised exhibit will be required to reflect only the Zone Change information.~~
- b. Development of the site shall be in conformance with the narrative report entitled "~~Desert Hills Ranch Rezoning/Preliminary Plat Submittal~~Desert Hills Ranch Rezoning Narrative", consisting of ~~seventeen (17)~~ twelve (12) pages, dated revised ~~April 17~~ August 13, 2007, and stamped received ~~June 4~~ August 16, 2007, except as modified by the following stipulations. ~~Within thirty (30) days of the Board of Supervisors approval, a revised narrative report will be required to reflect only the Zone Change information.~~
- c. Development of the site shall be in conformance with the landscape plan entitled "Desert Hills Ranch", consisting of seventeen (17) full size sheets, dated revised ~~April 17~~ July 19, 2007, and stamped received ~~May 15~~ August 16, 2007, except as modified by the following

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stipulations. ~~Prior to the Board of Supervisor's hearing, a revised landscape plan will be submitted to the County to display the revised location of equestrian use with Tract B.~~

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Andrew Kunasek, Acting Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board